THE HON'BLE SRI JUSTICE E. DHARMA RAO

WRIT PETITION No.14869 OF 1999

Dated: 10.08.2005

Between:

1. Bontha Appala Subrahmanyam, S/o Late Viswanadham

..Petitioner

And

1. The Principal Secretary to Government, Municipal Administration and Urban Development Department, Govt. of A.P., Hyderabad and five others.

..Respondents.

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ORDER:

The present writ petition is filed seeking a direction, in the nature of writ of Mandamus to set aside the orders of canceling the resolution No.170, dated 3.3.1993 passed by the then Special Officer, Bheemunipatnam Municipality, and consequentially, to cancel the lease of the land of Ac.0.10 cents in T.S.No.993 assigned in favour of his father.

It is the case of the writ petitioner that on the representation made by the father of the petitioner, B. Viswanadham, who was a freedom fighter, the land of an extent of Ac.0.10 cents in T.S.No.993, situated in Bheemunipatnam in ward No.II was assigned to him and vide resolution CCR.No.170, dated 3.3.1993, permission was accorded to reconstruct a thatched hut therein. Subsequently, the Commissioner of Bheemunipatnam Municipality communicated a letter, dated 17.7.1993 to the father of the petitioner informing him that the resolution NO.170, dated 3.3.1993 was stayed. Subsequently, he died. Later, the petitioner made a representation dated 3.6.1999 questioning the illegality and propriety in canceling the resolution. The Municipal Authorities gave an endorsement dated 22.6.1999. Hence the writ petition.

Heard the learned Counsel and perused the material available on record.

On a perusal of the record, it is apparent that the resolution No.170, dated 3.3.1993 was cancelled pursuant to the G.O.RT.No.723, MA, dated 5.7.1994. It is further apparent that on the basis of request of the father of the petitioner, the Special Officer passed resolution No.170, granting temporary encroachment for a period of three years i.e., 1990-91 to 1992-93. Meanwhile, a patta was granted to him by the Mandal Revenue Officer against the above said resolution of the Special Officer. The District Collector, having come to know the said fact, made a reference to the Government for cancellation of the above said resolution through proceedings dated 22.3.1993. Accordingly, the Government cancelled the resolution by G.O.Rt.No.723.

On the representation made by the petitioner questioning the said cancellation of resolution No.170, the respondents gave an endorsement stating that temporary permit was granted to his father for 3 years only and hence, the petitioner cannot question the action of the respondents.

As can be seen from the material on record, it is an admitted fact that the permission was granted to the father of the petitioner to erect a thatched hut, for a period of three years only. Apart from that, it is brought to the notice of this Court, that the land in question was allotted for public purpose viz., some part of the land in question was allotted to construct a library office, Guest House and some part of the land was given to the Tennis Court. In that view of the matter, the petitioner is not entitled to question the action of the respondents as a matter of right. Therefore, I do not find any reason to interfere with the order impugned.

Accordingly, the writ petition is dismissed. No order as to costs.

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10th August, 2005

Nn/Bud